D.B. CIVIL SPECIAL APPEAL (W) NO.394/2007
Prithviraj Vs. Thanna Ram & Ors.

Date : 18.5.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. N.L. Joshi for the appellant.

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Heard learned counsel for the appellant.

The appellant has suffered a decree from the Debt Relief Court. Revision against which was dismissed.

The writ petition was filed only on the ground that the petitioner had undergone angioplasty in March 2005 and the proceedings have been taken in post haste denying the petitioner-appellant an adequate opportunity to plead his case.

The learned Single Judge has noticed that angioplasty has taken place on 15.3.2005 but issues had already been struck prior to that date. The evidence of the petitioner was fixed in August. He was given three chances to produce his evidence for which one and half months' time was allowed but he did not avail that opportunity. Thereafter when the evidence was

led and the decree was passed.

Apparently, it cannot be said that Debt Relief Court has not given enough opportunity to the petitioner to lead his evidence. No interference in appeal is called for.

The appeal fails and is hereby dismissed.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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